

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:03-CR-52
)	
LLOYD E. BROWN,)	(VARLAN/SHIRLEY)
)	
Defendant.)	

MEMORANDUM AND ORDER

This case is before the Court on Defendant Lloyd E. Brown's Motion for Production of Documents [Doc. 49], referred [Doc. 50] to the undersigned on January 15, 2010. In this motion, the Defendant requests an order directing Pretrial Services and/or the United States Probation Office to copy and release certain medical records in this case so that he may use them in a civil case. Specifically, Defendant Brown requests "only the documents that he supplied to the court thru his Attorney Kim Tollison thru Pretrial Services along with the fax cover sheets that were supplied to the court." The Court notes that Defendant Brown previously requested [Doc. 46] these records from the Court, and the Court sent [Doc. 47] the Defendant the medical records contained in the record. The Defendant now states that these were not the records he is seeking. In the instant motion, he specifies that he is "seeking the medical records and narcotic pain prescriptions and leg brace prescription provided to [his Pretrial Services Officers] in 2004, 2005 before and after sentencing."

The Court has contacted the Defendant's former Pretrial Services/Probation Officer, who informed the Court that the Defendant's pretrial file has been purged and that records other than

those produced by the United States Probation Office have been destroyed. The officer is mailing the Defendant copies of the records that have been retained with regard to his presentence investigation. Those are the only records available to send to the Defendant. Accordingly, the Defendant's Motion for Production of Documents [**Doc. 49**] requesting that the Court order the United States Probation Office to produce records is **DENIED as moot** because that office has already sent any existing medical records to the Defendant.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge